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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003045

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SUBJECT: ELECTION LAW UPDATE: VICE PRESIDENT HASHIMI VETOES

REF: BAGHDAD 3011

Classified By: Political Counselor Yuri Kim for Reasons 1. 4 (b, d)

¶1. (C) SUMMARY: Despite indications to the contrary the previous day, Vice-President Tariq al-Hashimi vetoed Iraq's amended election law shortly before noon on November 18. In an explanatory letter to the Council of Representative (COR), Hashimi asked the parliament to make several revisions to Article 1 of the amended law, including increasing the size of the COR to account for the population of expatriate Iraqis, tripling the number of compensatory seats, and allocating some of these seats exclusively to out-of-country voters. Recognizing the risk of re-opening the law to protracted debate, non-Sunni party leaders are attempting to devise a non-legislative technical fix to give greater weight to votes cast outside Iraq in the hope that this will persuade Hashimi to withdraw his veto. Post will continue to coordinate closely with Iraqi leaders and UNAMI to quickly build support for a solution, including a legislative amendment if necessary, that everyone can live with and that will preserve a January election date. END SUMMARY.

HE DID WHAT?!

¶2. (C) Contacts at the Council of Representatives (COR), in addition to officials with UNAMI and the Independent High Electoral Commission (IHEC), reported November 17 that VP Hashimi had tentatively agreed to approve the amendments to the 2005 election law adopted by the COR on November 8 in exchange for assurances that the COR would revisit compensatory seats/out-of-country voting (OCV). Without forewarning, however, Hashimi apparently changed his mind and sent a veto to the COR in the late morning of November 18, followed by a televised press conference at noon in which Hashimi announced his rejection of the law. Hashimi's Director General, Krikor Der-Hagopian, informed the DCM that Hashimi was forced to act because his legal advisors determined that the 10-day time window to cast a veto would close at 1:00 p.m. that day.

¶3. (U) In his letter to the COR accompanying the veto, Hashimi presented the following demands for revising Article 1 of the election law amendments:

- An increase in the size of the COR at the ratio of one seat per every 100,000 people residing inside and outside Iraq according to the latest Ministry of Trade (MOT) statistics
- An increase in the number of compensatory seats from 5% to 15% of total COR seats
- Allocation of 11 compensatory seats to identified minority groups (up from 8 in the amended election law); and
- Allocation of other compensatory seats exclusively to out-of-country voting (OCV), although it is unclear how many of the compensatory seats would go for this purpose.

¶4. (U) Hashimi's veto immediately drew criticism from Iraqi political leaders outside the Sunni community. PM Maliki

publicly called the move a dangerous step that could postpone elections. COR Legal Committee Chairman Baha al-Araji (Sadrist) stated that while he was "confident of (Hashimi's) good intentions," the veto letter reflected a lack of understanding of compensatory seats and would serve the interests of rejectionist Ba'athists. "He cannot impose on Iraqis and parliament his desire for (compensatory) seats to be allocated to Iraqis residing abroad," al-Araji declared to the press. Hadi al-Ameri, leader of the Badr Organization, stated publicly, "This is taking us back to square one."

TRYING TO FIND A FIX

15. (C) Hashimi's demands pose several technical problems, in addition to the difficult task of achieving political consensus in the COR. While the Ministry of Trade compiles statistics (recently disputed by the Kurds, reported septel) for the population of Iraq, it does not have figures for the number of expatriate Iraqis. Adding seats to the COR to reflect Iraqis abroad would thus have to be based on some other agreed upon set of numbers. The reservation of compensatory seats exclusively for OCV is also problematic in that it would likely require an amendment to another article of the law, which determines compensatory seat allocation. Even more troubling is that re-opening the amended election law to parliamentary debate could lead to protracted arguments and negotiations on issues apart from those raised by Hashimi. (Note: The Iraqi constitution does not appear to provide for, or proscribe, a line-item veto. If an election law is not ratified by the Presidency Council by November 20, then elections cannot be held on January 18 since the Iraqi

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Constitution requires at least 60 days between ratification and elections. End Note.)

16. (C) Following Hashimi's veto announcement, the Ambassador and Poloffs began engaging both Iraqi officials and UNAMI to chart a way forward in response to Hashimi's demands. The Ambassador met with Acting SRSG Andrew Gilmour to help ensure a coordinated approach with UNAMI and spoke with Vice President Abd al-Mahdi and Kurdistan Regional Government (KRG) Prime Minister Barham Saleh to urge that parties focus debate narrowly on Article 1 and act quickly. Al-Mahdi told the Ambassador that he had already met with non-Sunni bloc leaders (NFI) and that he planned to meet with them again in the morning of November 19. Al-Mahdi made clear that there was no appetite to re-open the law to debate and that bloc leaders were accordingly attempting to find a technical solution to Hashimi's concerns about OCV. Saleh likewise stated that Iraqi politicians were trying to develop a non-legislative solution through IHEC to try to offer more COR seats to out-of-country voters. Saleh added that the Kurds were very upset by the allocation of seats to the different Iraqi governments announced by IHEC several days earlier (septel), but was reminded by the Ambassador that this was not germane to solving the problem at hand. President Talabani and KRG President Barzani are cutting short their respective overseas visits and will return to Iraq November 19 in response to Hashimi's veto, according to their staff.

17. (C) Despite the widespread and heated political reaction to the veto, there was little activity in the COR. With the veto unexpected and no important issues scheduled for discussion, there were few MPs present and insufficient time to call in other parliamentarians. Legal Committee members at the COR held an inconclusive meeting and then disbanded to consult with their respective parties. Speaker Sammarraie is scheduled to meet with party bloc leaders at 10:30 a.m. on November 19; the Ambassador will meet with the Speaker beforehand.

18. (C) COMMENT: While Hashimi's true intentions remain

obscure, he apparently concluded that he had more to gain than lose in casting a veto. In addition to trying to attract support as the champion of expatriate Iraqis and "little guys" (e.g., minority groups) outside the major parties, Hashimi may want to show his electoral coalition partners in the Iraqi National Movement -- where he has been marginalized as a junior partner -- that he still carries political weight. Already widely disliked, including by some Sunnis, he may have figured the inevitable attacks against him would not grievously damage his reputation further. Post will continue to consult closely with UNAMI and Iraqi political leaders to develop a proposal -- including a legislative amendment if necessary -- that can be sold to Hashimi and the major party blocs, and can garner any necessary action in the COR, as quickly as possible so as to preserve a January election date. END COMMENT.
HILL